

## REMARKS

### Summary

Claims 1-35 were pending, and all of the claims were rejected in the Office action. Claims 1, 6, 8, 22, 28 and 29 have been amended; Claims 5 and 27 have been cancelled; and Claims 36-38 added. No new matter has been added. The Applicants have carefully considered the reference and reasons advanced by the Examiner and respectfully traverse the rejections in view of the amendments and the discussion presented below.

### Rejections

#### **35 U.S.C. §103(a)**

Claims 1-4, 10-14, 22-26 and 31-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Abileah (US 6,262,880; "Abileah"). In view of the amendments made in this response, the rejection of these claims is moot.

Claims 5-9, 15, 16, 19-21 and 27-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Abileah in view of Fujishiro et al. (US 6,693,682; "Fujishiro"). The Applicants have amended Claims 1 and 22 to incorporate the elements of Claims 5 and 27, respectively.

The Applicants respectfully submit that the Examiner has not made out a *prima facie* case of obviousness. The Examiner acknowledges that Abileah fails to teach or suggest a case supporting the plurality of fluorescent lights and the heat protection plate, and cites Fujishiro as a remedy for this deficiency in the *prima facie* case, suggesting that Figs. 5A and 7A elements 31, 32 and 33 provide such teaching, and that the motivation to combine the teachings of the two references would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of the two references, for among other reasons, ...to protect the components from environmental hazards such as shock and dust." (Office action, page 6, lines 1 and 2).

Fujishiro describes elements 31, 32 and 33 as front, center and rear shields, respectively (Fujishiro, Fig. 5A), and nowhere describes the combination of the individual elements as a case or similar structure.

Moreover, even if, arguendo, these elements are considered a case, at least one of the reasons for combining by the Examiner is not consistent with the

disclosure of Fujishiro. The Applicant calls attention to element 100, disposed between elements 32 and 33, and further illustrated in Fig. 5B, which provides for vents 101 and 102 between the interior of the display and the ambient environment. Such openings would permit the entry of dust and other contaminants. Suggesting that there is a motivation to combine the two references on the basis the exclusion of dust from the interior is inconsistent with the teachings of Fujishiro, and therefore is suggestive of impermissible hindsight and reading the claims of the present application into the references. The Examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. See *In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 177 (CCPA 1967), cert. denied, 389 U.S. 1057 (1968). Hence a prima facie case of obviousness has not been made out and Claims 5, 15 and 27 are therefore allowable.

Furthermore, even if the shields disclosed by Fujishiro were to be considered a case (which the Applicant submits is incorrect), and even if Abileah and Fujishiro were somehow able to combined (which the Applicants submit that they are not), the combination still does not anticipate or suggest the arrangement of amended Claims 1 and 22. More specifically, neither Abileah nor Fujishiro anticipate or suggest an arrangement in which the heat protection plate is disposed in the case. As the Examiner recognizes, Abileah fails to teach or suggest a case. Fujishiro teaches that the heat protection plate is disposed outside of the space formed by the shields. Accordingly, Claims 1 and 22 are patentable over the cited references for at least this additional reason.

For similar reasons to those provided above, Claim 15 is also patentable over the cited references.

Claims 5 and 27 have been amended solely to overcome the objection that they are dependent on an unallowable base claim. Having overcome the reasons for rejection thereof these claims are now in condition for allowance. In making this amendment, the Applicant has chosen to incorporate the subject matter of Claim 5 into Claim 1 and the subject matter of Claim 27 into Claim 22, canceling Claims 5 and 27.

Claims 2-4, 6-14, 16-21, 23-27 and 28-38 are claims dependent on now allowable base claims, and are allowable, without more.

With respect to the rejection of Claims 8, 9, 19, 20, 29 and 30, the Examiner acknowledges that Abileah fails to disclose the case as having a high heat conductivity material and cites Fujishiro as disclosing a case having a high conductivity material (Fujishiro, col. 1, line 59, bridging col. 2, line 3), The Applicant respectfully calls attention that this recitation is in the Background section of the specification and is directed to the prior art. Such a recitation is not *per se*, enabled.

**Conclusion**

Claims 1-4, 6-26 and 28-38 are pending.

For at least the reasons given above, the Applicant respectfully submits that the pending claims are allowable, and requests that a Notice of Allowance issue.

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,



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